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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Curtiss et al.
Serial No.: 09/120,970
Filed: July 22, 1998
Entitled: RECOMBINANT BACTERIAL
VACCINE SYSTEM WITH
ENVIRONMENTALLY LIMITED
VIABILITY

ART UNIT: 1645

EXAMINER: PORTNER, Virginia A.

Attorney Docket No.: MEG-207.0 US-1

Mail Stop Appeal Brief-Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith: [X] A Second Reply Brief pursuant to 37 C.F.R. §41.41 (2 pages); and [X] a return-receipt postcard, for filing in the above-captioned patent application.

FEE FOR ADDITIONAL CLAIMS

[X] A fee for additional claims is not required.

[] A fee for additional claims is required. The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXCESS CLAIMS	RATE	FEE DUE
TOTAL CLAIMS	==	==	00	× \$25	= 0.00
INDEPENDENT	=	=	0	× \$100	= 0.00
FIRST INTRODUCTION OF MULT. DEPENDENT CLAIM				+\$180	= 0.00
TOTAL FEES DUE					= 0.00

PAYMENT OF ADDITIONAL FEES

- ☐ A check including the amount of \$_____ in payment of the fees for filing a brief in support of an appeal under 37 C.F.R. §41.37 is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees required under 37 CFR 1.16 or 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate copy of this transmittal letter is submitted herewith.

PETITION FOR EXTENSION OF TIME

- ☐ Extension is requested under 37 CFR 1.136(a), and the following extension fee is applicable for the Response filed herewith: ☐ \$60.00 for response within first month pursuant to 37 CFR 1.17(a)(1);
☐ \$225.00 for response within second month pursuant to 37 CFR 1.17(a)(2);
☐ \$510.00 for response within third month pursuant to 37 CFR 1.17(a)(3);
☐ \$795.00 for response within fourth month pursuant to 37 CFR 1.17(a)(4);
☐ \$1,080.00 for response within fifth month pursuant to 37 CFR 1.17(a)(5).
- ☐ A check including the amount of ☐ \$60.00 ☐ \$225.00 ☐ \$510.00 ☐ \$795.00 ☐ \$1,080.00 in payment of the extension fee is transmitted herewith.
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate of this transmittal letter is submitted herewith.

Respectfully submitted,



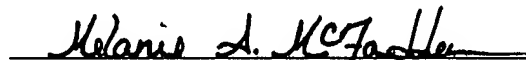
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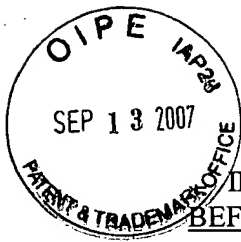
The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service under 37 CFR 1.8, postage prepaid, in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

September 10, 2007

 date



 Melanie A. McFadden



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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SECOND REPLY BRIEF

Sir:

Pursuant to 37 C.F.R. §41.41, this Reply Brief is filed in response to the Examiner's Answer mailed August 6, 2007.

No fees are believed to be due; however, the Commissioner is authorized to charge any additional fees required in connection with the papers filed herewith to Deposit Account No. 50-0268.

REMARKS

On January 19, 2007, Appellants submitted a corrected Brief on Appeal in the above-referenced application. An Examiner's Answer was mailed on June 1, 2007. Appellants timely filed a Reply Brief on August 1, 2007, to address the issues raised in the Examiner's Answer.

A supplemental Examiner's Answer was mailed on August 6, 2007; however, it appears to be identical to the Examiner's Answer mailed on June 1, 2007.

All of the issues raised in the supplemental Examiner's Answer have been addressed in Appellants' corrected Brief on Appeal and/or Reply Brief. Accordingly, Appellants defer to their previous submissions and request that this case proceed to the Board of Patent Appeals.

Respectfully submitted,



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